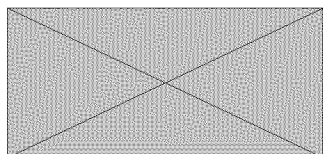


To: Bohan, Suzanne[bohan.suzanne@epa.gov]
From: Environmental Law360
Sent: Tue 2/28/2017 8:31:39 AM
Subject: FERC Gives Initial Enviro OK To \$2.7B Pipeline Expansions [WARNING: DKIM validation failed]



ENVIRONMENTAL

Tuesday, February 28, 2017

TOP NEWS

LAW
FIRMS

FERC Gives Initial Enviro OK To \$2.7B Pipeline Expansions

Allen &
Overy

Federal Energy Regulatory Commission staff on Monday gave a preliminary environmental thumbs-up to a \$2.7 billion pair of natural gas pipeline expansion projects proposed by two TransCanada Corp. units, saying most of the adverse environmental impacts of the projects could be reduced to acceptable levels.

Babst
Calland

Baker
Botts

Calif. High Court Says Endangered Fish Could Be Delisted

The California Supreme Court ruled Monday that if a lumber company adequately pled the coho salmon was erroneously placed on the state's endangered species list, the fish could lose its designation, reversing a lower court's ruling that challenges can only argue protected animals and plants have made a comeback.

Baker
McKen

BakerHc

Balch &
Bingham

Senate Advances Interior Pick Zinke Toward Final Vote

The Senate has worked its way closer to a final vote on President Donald Trump's pick for the Department of the Interior, after Rep. Ryan Zinke's nomination passed a key hurdle Monday.

Barnes
&
Thornbu

Power Cos. Slam EPA Mercury Rule Cost Analysis In DC Circ.

Bilzin
Sumner

A coalition of state and power industry players on Friday told the D.C. Circuit the U.S. Environmental Protection Agency has failed to properly analyze the costs associated with a regulation aimed at reducing mercury and other toxic emissions from coal-fired electricity plants.

Blank
Rome

Bredhoff
&
Kaiser

Builders Urge DC Circ. Not To Expand OSHA Silica Rule

Expanding the Occupational Safety and Hazard Administration's revamped silica exposure rule to require that workers be removed from the job — with pay — under certain circumstances is unnecessary to protect employees and economically infeasible for employers, four business trade groups told the D.C. Circuit on Friday.

Chadboi
& Parke

Coblentz
Patch

POLICY & REGULATION

LAW
FIRMS

EPA Extends Comment Period For Hardrock Mining Rule

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The U.S. Environmental Protection Agency on Friday granted Republican congressmen's request to extend the public comment period for a new rule that would require hardrock mining facility operators and owners to prove they can pay for cleanup and reclamation efforts associated with their businesses.

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Cities, Enviros Urge FERC To Pull Pipeline Project OK

Baker
McKen

Several New England municipalities and environmental groups on Friday urged the Federal Energy Regulatory Commission to yank its recent approval of the Atlantic Bridge pipeline project, saying the agency's lack of a quorum will deny them the ability to argue that the project's approval was flawed before construction starts.

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BOEM To Offer 1.09M Acres In Alaska Offshore Drilling Sale

The Bureau of Ocean Energy Management on Friday unveiled its plan to offer 1.09 million acres in Cook Inlet off Alaska's south central coast for offshore gas and oil development in a proposed lease sale this coming June.

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Pa. DEP Chief Defends Agency's Permitting Of Gas Projects

Bilzin
Sumber

The acting secretary of Pennsylvania's Department of Environmental Protection told state legislators Monday his agency was equipped to process permits for pipelines and other major shale gas projects promptly amid concerns that the department was understaffed and underfunded.

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Retroactive Fix Can't Save \$26.4M Easement Deduction: IRS

The IRS asked an Arizona federal judge Friday to dismiss a developer's suit seeking a \$26.4 million deduction for an environmental conservation easement, saying the agency isn't obligated to grant a retroactive deduction to an originally flawed transfer.

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ENFORCEMENT

Gas Producer WPX Fined \$1.2M For Pa. Spill

Crowell
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Moring

WPX Energy Appalachia has been fined \$1.2 million after wastewater from a western Pennsylvania shale gas well leaked and contaminated residents' water supplies, the state's Department of Environmental Protection announced Monday.

Dentons

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&
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LITIGATION

DC Circ. Won't Revisit EPA Argentine Biofuel Import Row

Downs
Rachlin

The D.C. Circuit on Friday refused to reconsider its ruling that upheld a U.S. Environmental Protection Agency decision approving Argentine biofuel imports, a decision a U.S. biofuel industry group claimed wrongly allows the EPA to disguise a rulemaking as a simple administrative order.

LAW
FIRMS

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Overy

DTE Energy Urges 6th Circ. To End Emissions Case Confusion

DTE Energy Co. asked the Sixth Circuit on Friday to revisit a panel decision that revived lawsuits from the U.S. Environmental Protection Agency and Sierra Club that claim DTE increased air pollution by illegally modifying Michigan's largest coal-fired power plant, arguing that the split ruling was too confusing to leave on the books.

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Sioux Tribes Press Religious Claims Against Dakota Access

The Cheyenne River Sioux Tribe pressed a D.C. federal judge Friday to block construction of the Dakota Access pipeline because the project allegedly interferes with the tribe's exercise of religion, saying it preserved that claim by repeatedly raising its religious concerns with the U.S. Army Corps of Engineers.

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Vermonters Say Saint-Gobain Must Face Contamination Suit

Vermont residents asked a federal court on Friday to deny Saint-Gobain Performance Plastics Corp.'s bid to throw out their putative class action alleging the company contaminated their private drinking water wells with a hazardous chemical, saying state law supported their property right claims.

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&
Thornbu

Bilzin
Sumner

Homeowners Fight For Remand In Johnson Controls Case

Indiana residents suing Johnson Controls Inc. over alleged groundwater pollution fought back Friday against the company's bid to keep the proposed class action in federal court, saying they've got the evidence to prove their case belongs in state court.

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Power Groups Want To Move Issues To Clean Power Plan Suit

Power industry groups want the D.C. Circuit to consolidate a request for the court to review the U.S. Environmental Protection Agency's denial of administrative petitions to reconsider or delay the Clean Power Plan, which aims to regulate carbon dioxide emissions from existing power plants, with the main suit challenging the rule's overall legality.

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& Parke

Coblentz
Patch

Ex-Execs Hit SunEdison Yieldcos With Whistleblower Suits

A pair of former SunEdison Inc. vice presidents and executives at TerraForm Power Inc. and TerraForm Global Inc. have filed whistleblower complaints in Maryland federal court, accusing the TerraForm entities and various SunEdison officers and directors of conspiring to cover up financial mismanagement that led to SunEdison's bankruptcy.

Crowell
&
Moring

Dentons

Canada Can Advance Appeal Over Nova Scotia Quarry Row

The Federal Court of Canada has refused to pause the country's challenge to a Delaware mining company's arbitral win finding the Canadian government liable under the North American Free Trade Agreement for improperly rejecting a Nova Scotia quarry project on

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Rachlin

environmental grounds.

PEOPLE

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Law360 Environmental Editorial Advisory Board

Law360 is pleased to announce the formation of its 2017 Environmental editorial advisory board.

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EXPERT ANALYSIS

Baker
McKenz

Opinion

BakerHc

Indian Country And Climate Change After DAPL

Considering the Trump administration's support for the Dakota Access and Keystone XL pipelines, Native Americans are at the vanguard of challenging government and business acts that worsen climate change. One wonders if it is only a matter of time before Native Americans and their resources are in the administration's crosshairs, says Matthew Fletcher of Michigan State University College of Law.

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FERC's Pipeline Review Process Is Working As Intended

Outgoing Commissioner Norman Bay surprised the natural gas industry on his last day at the Federal Energy Regulatory Commission earlier this month, advocating a more cautious approach to pipeline approvals in light of environmental controversies. But FERC is fulfilling all its pipeline review responsibilities under the law, and has no authority to make the changes Bay suggests, says James Coston of Dentons US LLP.

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Sumber

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LEGAL INDUSTRY

Gorsuch? Garland? Why Not Confirm Both, Dem Suggests

Democratic Sen. Tom Udall hatched an elaborate political scheme Monday to place Merrick Garland on the Supreme Court alongside current nominee Neil Gorsuch, signs that liberals won't soon forget the GOP's record blockade of the D.C. Circuit chief judge in the last year of the Obama presidency.

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& Parke

Coblentz
Patch

Crowell
&
Moring

Legal Tech Download: Irish Innovation Center And Cloud M&A

The world of legal technology is quickly evolving, with new products aimed at aiding lawyers coming to market in rapid succession. Here, Law360 takes a look at seven major recent developments in legal tech.

Dentons

Dewey
&
LeBoeuf

Looming Chinese Data Law A Blind Spot For Legal Tech Pros

China's new cybersecurity law is set to take effect June 1, but according to a survey, 75 percent of legal tech professionals aren't familiar with it, and few are concerned about it.

Downs
Rachlin

Dewey Cooperator's Sweetened Deal Prompts Subpoena Fight

Attorneys for two former top executives of Dewey & LeBoeuf LLP and prosecutors for the Manhattan district attorney's office traded barbs over the weekend about a defense subpoena for information regarding a sweetened deal for the key cooperator in the ongoing criminal saga.

Law360 Legal Industry Editorial Advisory Board

Law360 is pleased to announce the formation of its 2017 Legal Industry editorial advisory board.

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Sherman
Dunn

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Patton
Boggs

Sullivan
&
Cromwell

Taft
Stettinius

The
Employer
Law

Group

Troutma
Sanders

Weil
Gotshal

Wilson
Sonsini

Yoder
Ainlay

COMPA

Alabama
Power
Co.

Altman
Weil
Inc.

Ameren
Corpora

America
Bar
Associat

America
Civil
Liberties
Union

America
Federati
of Labor
and
Congres
of
Industria
Organiz:

Associat
of
Corpora
Counsel

Baretz+I

Blaqwell

Inc.

Consilio
LLC

DTE
Energy
Compan

Georgia
Power
Co.

Hobby
Lobby
Stores

Intelliger
Systems
Corp.

Johnson
Controls
Inc.

McDona
Corpora

Mississij
Power
Co.

Murray
Energy
Corp.

National
Associat
of
Home
Builders

National
Associat
of
Manufac

National
Fuel
Gas Co.

New
York

State
Bar
Associat

New
York
Universi

Sierra
Club

Spectra
Energy

SunEdis
LLC

Sunoco

TerraFo
Power
Inc.

TransCa
Corpora

WPX
Energy
Inc.

Westar
Energy,
Inc.

GOVER
AGENCI

Army
Corps
of
Enginee

Bureau
of
Indian
Affairs

Bureau
of Land
Manage

Bureau
of

Ocean
Energy
Manage

Cheyen
River
Sioux
Tribe

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Service

New
York
Attorney
General'
Office

North
Dakota
Public
Service
Commis

Occupat
Safety
and
Health
Adminis

Oglala
Sioux
Tribe

Perman
Court of

Arbitration

Standing
Rock
Sioux
Tribe

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and
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of
Justice

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Interior

U.S.
Environmental
Protection
Agency

U.S.
Supreme
Court

Vermont
Department
of
Environmental
Conservation

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Morgan Lewis

Earthjustice

Gibson Dunn

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Squire Patton Boggs

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Downs Rachlin

Faegre Baker

Frankfurt Kurnit

Frazer Ryan

Fredericks Peebles

Hinckley Allen

Hogan Lovells

Hopping Green

Jackson Lewis

Johnson & Bell

Langrock Sperry

Lowenstein Sandler

Manko Gold

Miyares & Harrington

Norton Rose Fulbright

Nossaman LLP

Perkins Coie

Pillsbury Winthrop

Quinn Emanuel

Schnader Harrison

Seward & Kissel

Sherman Dunn

Sullivan & Cromwell

Taft Stettinius

The Employment Law Group

Troutman Sanders

Weil Gotshal

Wilson Sonsini

Yoder Ainlay

COMPANIES

Sierra Club

DTE Energy Company

Spectra Energy

Alabama Power Co.

Altman Weil Inc.

Ameren Corporation

American Bar Association

American Civil Liberties Union

American Federation of Labor and Congress of Industrial Organizations

Association of Corporate Counsel

Baretz+Brunelle

Blaqwell Inc.

Consilio LLC

Georgia Power Co.

Hobby Lobby Stores

Intelligent Systems Corp.

Johnson Controls Inc.

McDonald's Corporation

Mississippi Power Co.

Murray Energy Corp.

National Association of Home Builders

National Association of Manufacturers

National Fuel Gas Co.

New York State Bar Association

New York University

SunEdison LLC

Sunoco

TerraForm Power Inc.

TransCanada Corporation

WPX Energy Inc.

Westar Energy, Inc.

GOVERNMENT AGENCIES

U.S. Environmental Protection Agency

U.S. Department of Justice

Federal Energy Regulatory Commission

U.S. Supreme Court

Cheyenne River Sioux Tribe

Standing Rock Sioux Tribe

U.S. Army

U.S. Department of the Interior

Army Corps of Engineers

Bureau of Indian Affairs

Bureau of Land Management

Bureau of Ocean Energy Management

Internal Revenue Service

NAFTA

National Marine Fisheries Service

National Park Service

New York Attorney General's Office

North Dakota Public Service Commission

Occupational Safety and Health Administration

Oglala Sioux Tribe

Permanent Court of Arbitration

U.S. Department of Health and Human Services

Vermont Department of Environmental Conservation

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